

REMARKS

Claims 3, 18-25 and 32-70 are pending in the above-captioned patent application after this amendment. Claims 18-25, 32-35 and 37-51 have been allowed. Claims 59-63 and 66-67 were found to contain allowable subject matter. Claims 3, 36, 52-58 and 64-65 were rejected. Claims 3, 25, 36, 37, 52 and 65 have been amended to clarify what applicants regard as the present invention and/or to correct obvious typographical errors, claims 16, 17 and 31 have been canceled without prejudice, and claims 68-70 have been added by this amendment for the purpose of expediting the patent application process in a manner consistent with the goals of the Patent Office pursuant to 35 Fed. Reg. 54603 (September 8, 2000), even though the applicants believe that the previously pending claims were allowable.

Support for the amendments to the claims and for the new claims can be found throughout the originally filed application, including the originally filed claims, the drawings and the specification. More specifically, support for the amendments to claims 3, 25, 36, 37, 52 and 65 and for new claims 68-70 can be found at least in claims 9, 11, 13, 43, 45, 49, 60, 62 and 63, in Figures 1-6C, and in the specification at page 2, lines 29-31, at page 4, lines 10-26, and at page 8, line 31 through page 11, line 20.

No new matter is believed to have been added by this amendment. Consideration of the pending application is respectfully requested.

Interview Summary

On November 13, 2003, James P. Broder, attorney for the Applicants, conducted a telephonic interview with the Examiner, Stephanie Harris, and Primary Examiner, Peter Cuomo. Prior to the interview, a proposed draft response was forwarded to Examiner Harris for review. Amended claims 3, 36, 52 and 65 were discussed during the interview. The claim language of these claims was discussed, and it was agreed that such claim language would place claims 3, 36, 52 and 65 in condition for allowance. The Applicants wish to thank the Examiners for their time and assistance during the interview.

Rejections Under 35 U.S.C. § 102()

Claims 3, 36, 52-55, 57, 58 and 64 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Lloyd (US 2002/0067060 A1). Independent claims 3, 36 and 52 have been amended herein. As provided below, claims 3, 36 and 52, as amended, are believed to overcome the rejection by the Patent Office, and are considered to be patentable. Further, because claims 53-55, 57, 58 and 64 depend directly or indirectly from amended claim 52, they are also believed to be patentable.

The Patent Office states in its rejection that "Lloyd discloses a massage chair that is comprised of a seat, a first support surface, and a front upper support assembly that is coupled to the seat. A first positioning mechanism ... includes a guide rail (128) that is coupled to the first support surface (30) as seen in Figure 2. The guide rail has a substantially square cross section as seen in Figure 3...."

The Applicants submit that Lloyd is directed toward an adjustable chair that includes a pair of guides 124, 128 that are positioned respectively along a pair of rods 122, 127, near opposing lateral edges of a base plate 120. (Figures 1, 3 and 10; paragraph [0034]). Lloyd does not teach or suggest using only one guide. Further, each guide 124, 128 is positioned laterally (off-center), near an outside edge of the base plate 120. (Figures 1, 3 and 10; paragraph [0034]). Lloyd does not teach or suggest positioning either of the guides 124, 128 centrally or medially relative to the base plate 120.

In contrast to Lloyd, amended claim 3 is directed toward a massage chair that requires "a seat; a front upper support assembly coupled to the seat; a first support surface; and a first positioning mechanism that movably secures the first support surface to the front upper support assembly, the first positioning mechanism including (i) exactly one guide rail that is coupled to the first support surface, the guide rail having a substantially square cross-section, and (ii) a clamping assembly that is coupled to the front upper support assembly, the clamping assembly selectively moving between a locked position that inhibits movement of the first support surface relative to the clamping assembly, and an unlocked position that allows rotation of the first support surface relative to front upper support assembly and sliding of the first support surface

relative to the front upper support assembly.” These features are not taught or suggested by Lloyd. Thus, claim 3 is believed to be patentable.

Amended claim 36 requires “a seat; a front upper support assembly coupled to the seat; a first support surface; and a first positioning mechanism that movably secures the first support surface to the front upper support assembly, the first positioning mechanism including (i) a guide rail that is coupled to and centrally positioned relative to the first support surface, and (ii) a clamping assembly that is coupled to the front upper support assembly, the clamping assembly including (a) a clamp pin having a first pin end and an opposing second pin end, and (b) a guide receiver positioned near the first pin end, the guide receiver selectively moving between a locked position that inhibits movement of the first support surface relative to the clamping assembly, and an unlocked position that allows rotation of the first support surface relative to front upper support assembly and sliding of the first support surface relative to the front upper support assembly.” These features are not taught or suggested by Lloyd. Thus, claim 36 is believed to be patentable.

Further, amended claim 52 is directed toward a massage chair that requires “a seat; a front upper support assembly coupled to the seat; a first support surface; and a first positioning mechanism that movably secures the first support surface to the front upper support assembly, the first positioning mechanism including (i) exactly one guide rail that is coupled to the first support surface, and (ii) a clamping assembly that is coupled to the front upper support assembly, the clamping assembly including a single locking lever, wherein movement of the locking lever moves the clamping assembly between a locked position that inhibits movement of the first support surface relative to the clamping assembly, and an unlocked position that allows rotation of the first support surface relative to front upper support assembly and sliding of the first support surface relative to the front upper support assembly.” These features are not taught or suggested by Lloyd. Thus, claim 52 is believed to be patentable. Because claims 53-55, 57, 58 and 64 depend directly or indirectly from claim 52, they are likewise believed to be patentable.

Rejections Under 35 U.S.C. § 103

Claims 56 and 65 have been rejected under 35 U.S.C. § 103 as being unpatentable over Lloyd. As provided above, claim 52 is believed to be patentable in view of Lloyd. Because claim 56 depends from claim 52, it is also considered to be patentable. Moreover, the Applicants submit that the cited reference does not teach or suggest the features of amended claim 65. Thus, the rejection is believed to have been overcome.

In contrast to Lloyd, amended claim 65 is directed toward a "method for adjusting the position of a first support surface for a massage chair, the first support surface having a longitudinal axis, the method comprising the steps of: positioning a guide rail medially along the first support surface; and moving a single locking lever to move a clamping assembly having a rotational axis between a locked position that inhibits movement of the guide rail and the first support surface relative to the clamping assembly, and an unlocked position that allows rotation of the guide rail and the first support surface around the rotational axis and movement of the guide rail and the first support surface relative to the clamping assembly substantially along the longitudinal axis of the first support surface." These steps are not taught or suggested by Lloyd. Therefore, amended claim 65 is believed to overcome the rejection by the Patent Office, and is considered to be patentable.

Allowable Subject Matter/New Claims

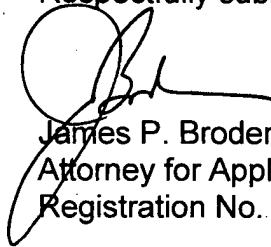
Claims 18-25, 32-35 and 37-51 have been allowed. Claims 59-63 and 66-67 were found to contain allowable subject matter. Further, new claims 68-70 have been added by this amendment. New claims 68-70 are of a slightly different scope than the previously pending claims. However, because amended claim 65 is believed to be patentable as set forth above, claims 68-70 are also believed to be patentable.

Conclusion

In conclusion, Applicant respectfully asserts that claims 3, 18-25 and 32-70 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 858-456-1951 for any reason that would advance the instant application to issue.

Dated this the 19th day of November, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James P. Broder', is written over the typed name and title.

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